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# CALIFORNIA DECISIONS

TO MAY, 1899

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### PUBLISHERS' PREFACE.

The bar of California has been well aware, for a number of years, that many California cases were omitted from the official reports. Every volume of the Pacific Reporter, which, though unofficial, is exhaustive, has contained a number of California supreme court decisions not accessible elsewhere. These cases have run, in the different volumes, from 11 to 94, and on a recent count made up a total of 1,864. (This, of course, does not include those recent cases reported in the Pacific which may appear in the forthcoming volumes of the state reports.) For the convenience of the local bar, we present herewith a table of these cases, with an index showing the law points in the decisions. Lawyers who are not subscribers for the Pacific may not have realized how perfectly and completely the Pacific meets their demand for a trustworthy, prompt, and exhaustive report of their supreme court decisions.

Although these cases have not been published in the official reports, a large number of them have been *cited by the California supreme* court in subsequent decisions.

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St. Paul, Minn., June 21, 1900. C3047-1

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Examination.—Grant v. Dreyfus, 52 P. 1074; People v. McSweeney, 38 P. 743; Pottkamp v. Buss, 46 P. 169; Smith v. Williams, 55 P. 600. Impeachment.—People v. Dillwood, 39 P. 438.

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As to the weight of the word "official." The official part of a volume of reports is the utterances of the judges. That is what is authoritative. That is the only part that can be cited as a precedent. If the reporter who prepares. the volume for publication misstates the law in his syllabus, the reader may be misled, but no one is bound by this mistake. It is clerical in character. No reporter's work is official in the sense of being authoritative. An "official reporter" is simply one who has been officially appointed: but it has also been officially declared, by legislation and by judicial interpretation, that the publication of the decisions of the courts must be open to all, in the interests of public policy. Every publication of such decisions is therefore offi-It may be simply stated as follows: The official work of the courts is published in the National Reporter System, under the official authority given to all publishers. The "copy" is furnished in certified form by the officials of the court,—generally by the same clerk who supplies the court reporter with his copy. The plan (originated by the publishers of the National Reporter System) of publishing two editions enables the judges to first read the earliest published report of their opinions in the advance sheets, and to note any corrections or alterations which may be desired for the permanent, bound edition. These features combine to make the reports in the Reporter System as authoritative as any reports can be. The "official reporter" draws a salary from the public treasury, but his work is

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not otherwise on any different footing from that of any other reporter of the same official opinions, and the common idea that an "official report" must, because of its name, possess some virtue which compensates for dilatoriness and high price, is due simply to a misconception as to which part of the report is official.

The result which has been achieved in the comparatively few years during which the Reporter System has been before the profession is in itself as strong an argument in its favor as any based upon a direct examination. Being unsubsidized, it must depend entirely upon the support of the profession for its continuance, and that support must be conquered against the prejudice which always, with a conservative profession, operates against anything new and heterodox. Furthermore, the competition of older publishers. whose "Reports" were threatened by these new "Reporters." has been of the keenest. Appeals have been made to the professional prejudice in favor of a past order of things, and the very fact that the Reporters were so much cheaper has been turned against them in arguments addressed to the lawyers who were to do the paying. Yet in spite of argument, competition, prejudice, and lack of any state support, the Reporter System is to-day used by lawyers all over the country, is cited in judicial opinions generally, and is so generally to be found in both public and private libraries that a new text-book which does not give the Reporter citations is acknowledged to be at a great disadvantage. The way in which subscribers look at the system is indicated by the letters collected in the pamphlet. "Over Their Own Signatures."

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